

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3661

Examiner: Brian J. Broadhead

Applicants: Lowrey et al.

Serial No.: 10/614,665

Filing Date: July 7, 2003

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: INTERNET-BASED SYSTEM  
: FOR MONITORING VEHICLES  
:  
:  
:  
: Confirmation No. 7577  
:

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

I declare as follows:

1. I am an officer of HTI IP, LLC, assignee of the captioned patent application ("Subject Application") by virtue of an assignment of the invention described and claimed in the Subject Application by named inventors Larkin Hill Lowrey, Matthew J. Banet, Bruce Lightner, Diego Borrego, and Chuck Myers to NetworkCar.com (recorded on July 7, 2005 at Reel 014273, Frame 0607); a name change from NetworkCar.com to NetworkCar, Inc. (see Exhibit 1 – Certificate of Amendment); an assignment from NetworkCar, Inc. to Reynolds and Reynolds Holdings, Inc. (recorded on July 7, 2003, at Reel 014273, Frame 0486); and, an assignment from Reynolds and Reynolds Holdings, Inc. to HTI IP, LLC (recorded on August 14,

2006, at Reel 018099, Frame 0590). In connection with this Declaration, attached as Exhibit 2 is a copy of an executed 3.73(b) statement for the Subject Application.

2. The named inventors conceived and reduced to practice the invention described and claimed in the Subject Application prior to May 1, 2000, in association with performing work for NetworkCar.com as employees and/or as independent consultants.

3. In support of the reduction to practice date in paragraph 2, attached as Exhibit 3 is a photograph of an embodiment of the invention installed in a vehicle for collecting and communicating data associated with operation of the vehicle, among other functions.

4. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 4 is a photograph of an embodiment of the invention installed and operating in a vehicle and communicating data to a laptop computer system.

5. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 5 is an e-mail sent by inventor Bruce Lightner to inventor Chuck Myers describing data collection and data communication in association with operation of certain embodiments of the invention. In particular, the e-mail states that, "I'm now taking ODB-II data from my 1999 Suburban, sending it via the BellSouth network into our IAS gateway, which places it on the Web at the URL: <http://lightner.net/obd>." Although certain dates on the e-mail of Exhibit 5 have been redacted, the data collection and data communication functions of the embodiment of the invention described in the e-mail occurred prior to May 1, 2000. In addition, the e-mail illustrated in Exhibit 5 was generated and sent prior to May 1, 2000.

6. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 6 is a screen capture illustrating a web interface displaying derived diagnostic information (e.g., odometer readings) on a web site dedicated to presenting information

associated with a vehicle. Although certain dates on the screen capture of Exhibit 6 have been redacted, the web interface and web site as shown were incorporated in connection with reduction to practice of the invention prior to May 1, 2000.

7. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 7 is an excerpt from a presentation which describes various component aspects of certain embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 7 includes photographs of (1) a RIM radio modem and OBD-II interface; (2) an antenna; and (3) an OBD-II connector, each of which may be employed as components of certain embodiments of the invention. Although the date on the presentation has been redacted, the components depicted in Exhibit 7 were implemented as part of a "Mobiscan II" embodiment of the invention reduced to practice prior to May 1, 2000.

8. In further support of the reduction to practice date in paragraph 2, attached as Exhibit 8 is an excerpt from a presentation which illustrates various aspects of certain exemplary embodiments of the invention described and claimed in the Subject Application. In particular, Exhibit 8 includes a schematic architecture diagram illustrating various communication aspects of certain embodiments of the invention. Although the date on the excerpt has been redacted, the illustrated communications architecture was employed in connection with reduction to practice of the invention prior to May 1, 2000.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

EC Berkobin

Name: Eric C. Berkobin

Date 9/17/07

Authorized Member

Title

HTI IP, LLC